



Appeal Decision

Site visit made on 8 February 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2022

Appeal Ref: APP/M0655/W/21/3283972

Chapel Lane SW, Chapel Lane, Burtonwood, Warrington WA5 4PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL against the decision of Warrington Borough Council.
 - The application Ref 2021/39784, dated 29 June 2021, was refused by notice dated 8 September 2021.
 - The development proposed is a 20.0m High EE/H3G Phase 7 streetworks pole on root foundation and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO) under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to policies QE 7 and QE 8 of the Warrington Borough Council Local Plan Core Strategy (July 2014) (the CS) and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area, including the setting of the listed building known as the Church of St Michael and All Angels (the LB) and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

5. The proposed installation would be sited at the back edge of the wide footway on Chapel Lane, a main road running through the village. It is located close to a church hall and a retail store with associated car parking areas. The built form in the immediate locality is of limited scale and the larger buildings

adjacent to the appeal site are set back from the carriageway in this location, giving the area a spacious feel. There is also limited street furniture in the locality, including street lighting columns.

6. The proposed monopole would be of a significant height and considerably taller than the roofs of adjacent buildings. It would also be substantially taller and wider than the limited number of nearby street lighting columns. As such, it would be a readily apparent and overly dominant stark feature along Chapel Lane and a very unpleasant addition to the spacious and uncluttered street scene.
7. The appeal site is located within close proximity to the LB, which is located on the opposite side of Chapel Lane. Its significance appears to be largely derived from its ornate detailing and the mature landscaped garden and burial ground around the LB contributes positively to its setting. I also note that the gates to the cemetery opposite the LB are locally listed and within close proximity to the appeal site. Despite the close relationship, there are intervening features between the LB and locally listed gates such as the highway, built form and parking areas. Given this built-up context, despite its substantial height and design, the proposal would not interfere with the experience of the heritage assets nor detract from them. As such, it would not harm their setting. This is a neutral matter.
8. As I have nevertheless found harm to the character of the area there is a balance to be struck and consideration should be given to the need for the installation to be sited as proposed, taking into account any suitable alternatives. The proposal seeks to provide a replacement installation to facilitate digital communications in the local area, following receipt of a notice to quit at an existing site which currently serves the area. A replacement installation is needed to prevent the cell area from suffering from under provision of the digital service it is expected to have. The proposal would be shared between operators and would also serve the emergency services network.
9. Paragraph 117 of the Framework expects that an application for a new mast is supported with evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored. A list of ten alternative sites indicates a site selection process has been followed. The appellant has suggested that the cell search area is extremely constrained and the appeal site and design of the proposal represents the optimum environmental solution.
10. However, the level of detail of each alternative site and the subsequent reasons for discounting them is considerably lacking and there are no coverage maps or location plans. I note that some commercial sites have been explored however the reasons why they have been discounted are weak. I am not therefore satisfied that a thorough search for a site that is less harmful than the appeal site has been carried out.
11. Accordingly, the siting and appearance of the proposal would cause harm to the character and appearance of the area as it would be an unduly prominent and incongruous feature within an open part of the street scene. Insofar as they are a material consideration, the proposal would be contrary to the aim for high quality design in Policy QE 7 of the CS and the Framework's objective of achieving well designed places. I am not persuaded that this harm is

outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

H Ellison

INSPECTOR